

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Linda Malloy, Administratrix of)
the Estate of Willie L. Murray, Jr.,)
Mother, Guardian and Next Friend)
Willie L. Murray, III,)

Plaintiff,)

Civil Action #05-10545 RGS

v.)

City of Boston and Officer)

Shawn West,)

Defendants.)

**PLAINTIFF'S RULE 37 MOTION FOR
ORDER COMPELLING DISCOVERY**

Now comes the plaintiff in the above entitled civil action and respectfully requests that this Court enter an order requiring that the Defendant, City of Boston, supply the Plaintiff with automatic discovery which was due on August 15, 2005, as well as, Responses to Plaintiff's Request for Production of Documents and Answer to Interrogatories which were due on December 31, 2005. For her reasons the plaintiff states the following:

1. The initial scheduling conference in this case was held on June 6, 2005 at which time the parties stipulated and the Court endorsed an initial scheduling order.
2. The order provides that automatic discovery was to be delivered on or before August 15, 2005.

3. Due to initial miscommunication, no automatic discovery was provided and on November 29, 2005 the plaintiff served written requests for discovery on both defendants.
4. The responses to the automatic and written discovery have never been produced by the Defendant, City of Boston..
5. The plaintiff has very little information regarding the incident which is the basis for this action since she was not married to the victim and the usual information provided by the Boston Police and/or the District Attorney's Office was not available to her since she was considered a non-family member despite the fact that she is the mother of the victim's only child.
6. Plaintiff has obtained some information from an attorney that represented the victim's father, however, she needs at a minimum all of the reports and results of the shooting investigation conducted by the Boston Police Department, as well as, the Office of the Suffolk County District Attorney all of which are in the possession, custody and control of the defendants.
7. Counsel for the City of Boston has, in the past, assented to the allowance of motions to extend the initial scheduling order and has

promised on many occasions that the discovery would be provided, however, as stated above, to date, no discovery has been provided.

8. According the Plaintiff has been unable to engage an expert or pursue this case since she has little or no discovery from the Defendant, City of Boston.
9. Counsel for the Plaintiff hereby certifies that he has conferred with both counsel for the City of Boston many times demanding the above reference discovery and to date it has promised but never delivered.

WHEREFORE, the plaintiff respectfully requests that this Court issue and order requiring that the Defendant City of Boston provide automatic discovery, as well as, answers to interrogatories and responses to production of documents forthwith.

Respectfully submitted,
LINDA MALLOY, Plaintiff

By her attorney,

/s/Edward F. McLaughlin,
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Dated: October 10, 2006